

FINANCIAL DISCLOSURE FREQUENTLY ASKED QUESTIONS

If I previously had to file a Form 35 with my Agency Head and a separate Financial Disclosure Statement with the Office of Campaign Finance, what do I need to file now and with whom?

You are no longer required to complete a Form 35 or file a Financial Disclosure Statement with the Office of Campaign Finance; however, “designated employees” are required to file a Confidential Financial Disclosure Statements with their Agency Heads. The Confidential Financial Disclosure Statement can be found at www.bega.dc.gov.

DCHR is aware that, under the current DPM, the requirement is still in effect. However, DCHR is not requiring submission of the Form 35 because it is anticipated that the revised DPM Chapter 18, which eliminates the Form 35 requirement, will be in effect by May 15, 2013.

Does the Office of Campaign Finance still accept Financial Disclosure Forms?

No. The Board of Ethics and Government Accountability (“BEGA”) is now the entity that accepts all Public and ANC Commissioner Confidential Financial Disclosure Statements.

I am an ANC Commissioner and previously never had to file a Financial Disclosure Statement. Must I do so now and, if so, with whom? Will it be public?

Yes. As an ANC Commissioner, you are now required to file a Financial Disclosure Statement with BEGA by May 15 of every year. (See, DC Code § 1-1162.25(a)). The Financial Disclosure Statement that ANC Commissioners file is confidential.

I am an ANC Commissioner. Can I file my Financial Disclosure Statement Electronically?

Yes. You may file your Confidential Financial Disclosure Statement electronically at www.bega.dc.gov. You will receive a letter from the Board of Ethics and Government Accountability in mid-April that includes a Log-in ID, Password and PIN, which are required for you to file electronically.

If you choose not to file electronically, you must submit a hard copy of your Financial Disclosure Form to:

The Board of Ethics and Government Accountability
441 4th Street, NW
Suite 830 South
Washington, DC 20001

I am a Public Official. Can I file my Financial Disclosure Statement Electronically?

Yes. You may file your Public Financial Disclosure Statement electronically at www.bega.dc.gov. You will receive a letter from the Board of Ethics and Government Accountability in mid-April that includes a Log-in ID, Password and PIN, which are required for you to file electronically.

If you choose not to file electronically, you must submit a hard copy of your Financial Disclosure Form to:

The Board of Ethics and Government Accountability
441 4th Street, NW
Suite 830 South
Washington, DC 20001

I am a Government Employee who has been designated as a Confidential filer. Can I file my Financial Disclosure Statement Electronically?

No. You must file your Confidential Financial Disclosure Statement with the appropriate Agency Head.

I am a Excepted Service employee paid at a rate of Excepted Service 9 or above, or its equivalent, AND who makes decisions or participates substantially in an area listed in § 1-1161.01(47)(I) of the Code. Under the definition in the Ethics Act, I am a public official. Am I required to file both a Public and Confidential Financial Disclosure Statement?

No. Under the Ethics Act, you are only required to file a Public Financial Disclosure Statement with BEGA.

Only those employees, other than public officials, who make decisions or participate substantially in areas of contracting, procurement, administration of grants or subsidies, developing policies, land use planning, inspecting, licensing, policy-making, regulating, or auditing, or acts in areas of responsibility that may create a conflict of interest or appearance of a conflict of interest, as determined by the appropriate agency head, must file a Confidential Financial Disclosure Statement.

As a public official, what action must I take prior to “May 15?”

Financial Disclosure Statements are due on May 15. The Public Financial Disclosure Statement form, however, will be available for you to complete prior to May 15. You will receive a letter from BEGA by mid-April that outlines requirements for filing.

As an ANC Commissioner, what action must I take prior to “May 15?”

Financial Disclosure Statements are due on May 15. The Confidential Financial Disclosure Statement form, however, will be available for you to complete prior to May 15. You will receive a letter from BEGA by mid-April that outlines requirements for filing.

As the designated Agency Head, what action must I take prior to “May 15?”

By April 15, you must designate, by name, position, and grade level, and notify the persons in your agency required to submit a Confidential Financial Disclosure Statement.

In addition, you must provide BEGA with the list of designated employees by May 1.

With regard to PFDS filers who are employed by an agency (excepted service 9 or above with policy-making authority), BEGA strongly recommends that each Agency Head submit a list of PFDS filers (including name, position, title, grade level, home address, and work email address) to the Office of Government Ethics no later than April 12. BEGA will then provide these individuals with electronic filing information (a "PIN"), reminders, and instructions for filing. **Please note that if PFDS filers do not receive such notification and information from the Office of Government Ethics, they are still obligated to file their PFDS by May 15 and enforcement action will be taken against those who fail to file or fail to file timely.** This information may be provided, via email, to:

Yancey Burns
BEGA Attorney Advisor
yancey.burns@dc.gov

Other than May 15, is there any other time throughout the year that I must submit a Financial Disclosure Statement?

Yes. Anytime there is a change in status (i.e. termination, promotion, or transfer), a public filer must submit a new Public Financial Disclosure Statement within ninety (90) days of the status change. (See, DC Official Code § 1-1162.24(c)).

A designated employee must submit a Confidential Financial Disclosure Statement to his or her agency head within ten (10) days of change in status or a determination that the position is covered by the reporting requirements. (See, DPM §§ 1812.16 (b) and (c)).

As a Public Official, will my Financial Disclosure Statement be Public?

Yes. If you are a public official, other than an ANC Commissioner, your Financial Disclosure Statement is public. (See, DC Official Code § 1-1162.24(a)).

However, the Board may, on a case-by-case basis, make exemptions. (See, DC Mun. Regs. tit. 3, §5703.1 (2013)).

I am an ANC Commissioner and I have been designated by my agency head as an employee who must file a CFDS. Am I required to file two separate CFDS forms?

Yes. ANC Commissioners are required to file CFDSs with BEGA, while designated employees are required to file CFDSs with their agency heads. Because the forms require an original signature and must be kept with the respective recipient (BEGA or the agency head), the filer must file two separate CFDSs.

What is a "prohibited source?"

"Prohibited Source" means anyone who is regulated by the District government, or anyone who does, or is seeking to do, business with the District government through a contract, grant, or other financial arrangement. (DC Official Code § 1-1161.01(46)).

What is an "Honorarium" or "Gift"?

“Honorarium” means any fee, per diem, compensation, or any amount paid to any member of any such board, commission, or committee for service as such member. (DC Official Code § 1-321.01).

“Gift” means a tip, favor, loan (except a bank loan given at the bank’s usual rate), entertainment, present, or anything else of value received from someone else. (DPM §§ 1803.2(b), 1803.3(c)).

I was designated by my Agency Head as a Confidential filer. I disagree with the designation. May I appeal?

Yes. An employee may request a redetermination (i.e. file an appeal) by submitting a written request to the Agency Head. (See, DPM § 1812.6(a)). The DC Ethics Counselor and the DC Department of Human Resources (“DCHR”) currently are revising the timeline for the appeal process. Questions regarding the appeal process should be directed to the DC Ethics Counselor.

As an Agency Head, what am I supposed to do with the completed Financial Disclosure Forms from my employees once I receive them?

The statements must be kept confidential, as you would keep any key personnel documents. You are required to retain the statements in limited access files under your control for at least three years. (See, DPM § 1812.12).

If a statement contains an apparent violation of the Code of Conduct, you must immediately forward the statement to BEGA.

As an Agency Head, what deadlines should I remember?

It is important to be mindful that May 15 is both, the deadline for designated employees to submit to you their Confidential Financial Disclosure Statements and the deadline for agency review of the statements and certification to the District’s Ethics Counselor and the Board of Ethics and Government Accountability.

As a best practice, you should set an internal deadline, prior to May 15, for submission of the Confidential Financial Disclosure Statements you receive.

I am a member of a Board or Commission other than an ANC. Must I file a Financial Disclosure Form? What if I receive no pay for my services?

The Code states, “a member of a board or commission listed in § 1-523.01(e),” is required to file a public financial disclosure statement. Section 1-523.01(e) includes the following boards and commissions:

- (1) The Alcoholic Beverage Control Board;
- (2) The District of Columbia Board of Library Trustees;
- (3) The Board of Trustees of the University of the District of Columbia;
- (4) The Board of Zoning Adjustment;
- (5) The Police Complaints Board;
- (6) The Contract Appeals Board;

- (7) The District of Columbia Board of Elections and Ethics;
- (8) The Commission on Human Rights;
- (9) The District of Columbia Housing Finance Agency Board of Directors;
- (10) The District of Columbia Lottery and Charitable Games Control Board;
- (11) The Historic Preservation Review Board;
- (12) The Metropolitan Washington Airports Authority Board of Directors;
- (13) The Office of Employee Appeals;
- (14) The Public Employee Relations Board;
- (15) The Public Service Commission;
- (16) The Rental Housing Commission;
- (17) The Washington Convention and Sports Authority Board of Directors;
- (18) The Water and Sewer Authority Board of Directors;
- (19) The Zoning Commission for the District of Columbia;
- (20) The District of Columbia Taxicab Commission;
- (21) The Board of Commissioners of the District of Columbia Housing Authority;
- (22) Homeland Security Commission; and
- (23) Commission on Fashion Arts and Events. (See, DC Official Code § 1-523.01(e)).

The Code makes no distinction between paid and unpaid services. Every member of the boards and commissions listed in § 1-523.01(e) must file a public financial disclosure statement.

How do I file my Financial Disclosure Statement (“FDS”) electronically?

Public filers and ANC Commissioners may file their FDSs electronically at www.bega.dc.gov.

Confidential filers who are designated employees must consult with their Agency Heads as to how to file their Confidential Financial Disclosure Statements.

Do I need to disclose my mutual fund account?

No. You only need to disclose financial accounts that are self-directed (i.e., you choose the individual companies in which the account invests). Remember, the purpose of the disclosure rules is to determine whether you are in a position, through your government work, to confer a benefit on an entity in which you have a private financial interest. If you are not aware of the various companies a mutual fund might own, there would not be that concern.

Do I need to disclose my personal checking account and/or credit card debt?

No. You do not need to list any credit card debt since most credit cards are issued by federal or state insured or regulated financial institution. In addition, credit card companies are in the business of providing revolving credit or installment accounts.

Do I need to disclose my retirement account?

It depends. You may need to disclose the retirement account, depending on the type of account and how it is structured. For instance, just like ownership of stock/shares of a

business entity which must be disclosed, if the account is self-directed (i.e., you choose the individual companies in which the account invests, then you must disclose.) If, on the other hand, the retirement account funds are invested in mutual funds or similar type programs in which someone else makes investment decisions without any input or direction from you, you would not have to disclose.

The house that I live in is the only property that I own in the District of Columbia. Do I need to disclose this property?

No. You only need to disclose all other real property in which you (or your spouse) have a financial interest. The real property must have a fair market value of more than \$1,000 or produce an income of more than \$200 per year.

My domestic partner has stock options through his job. Do I need to disclose this information?

Yes. The Ethics Act mandates that FDS filers disclose the same information they do for themselves for their spouse, domestic partner, or dependent children.

I am a volunteer for the American Bar Association (“ABA”). Do I need to disclose this?

It depends. The ABA is a non-profit organization and, as such, is considered a “business entity” as that term is defined in DC Official Code § 1-1162.24(a)(1)(A). The Ethics Act mandates that you disclose any affiliations, such as officer, director, partner, employee, volunteer, consultant, contractor, and member, with any business entity, whether or not transacting business with the District. However, the FDS filer need only disclose those affiliations in which the FDS filer has a fiduciary role and/or control over the entity’s management or operations. This extends to filers who are volunteers. In the case of the ABA, only a fiduciary or other position of control role need be disclosed.

Does this apply as well to the DC Bar?

No, you only need to disclose membership in the DC Bar because a license to practice law is a professional or occupational license (see below). You do not need to disclose whether you have a fiduciary or other similar type position with the DC Bar. The DC Bar is an instrumentality of the District government and therefore does not fall within the definition of “business entity”.

I became a Certified Public Accountant (“CPA”) licensed in DC during the previous calendar year. Do I need to disclose this?

Yes. The Ethics Act requires FDS filers to disclose all professional or occupational licenses issued by the District of Columbia Government held by the filer, his or her spouse, domestic partner, or dependent children.

I received a gift from a contractor who contracts with the District. Do I need to disclose this?

Probably. The Ethics Act requires FDS filers to disclose all gifts received from a prohibited source in the aggregate value of \$100 in a calendar year. If this gift cost \$100 or more, you must disclose it.

Am I required to certify that the provisions in DC Official Code § 1-1162.24(a)(1)(G) are true?

Yes. The FDS filer must certify that he or she:

- (i) Filed and paid his or her income and property taxes;
- (ii) Diligently safeguarded the assets of the taxpayers and the District;
- (iii) Reported known illegal activity, including attempted bribes, to the appropriate authorities;
- (iv) Not been offered or accepted any bribes
- (v) Not directly or indirectly received government funds through illegal or improper means;
- (vi) Not raised or received funds in violation of federal or District law; and
- (vii) Not received or been given anything of value, including a gift, favor, service, loan gratuity, discount, hospitality, political contribution, or promise of future employment, based on any understanding that the public official's official actions or judgments or vote would be influenced.

If filing electronically, the FDS filer will certify by entering in his or her PIN. If filing in hard copy, the FDS filer will sign and date the Signature Line immediately following the Certification paragraph.

What if I lose or forget my PIN?

You may contact the BEGA office and a new PIN will be issued to you. The BEGA office may be reached by telephone at (202) 481-3411 or via email at bega-dc.gov.